(11)

No. 01–339

IN THE
SUPREME COURT OF THE UNITED STATES

TERRY L. STEWART, et al.,
PETITIONERS,

-vs-

ROBERT DOUGLAS SMITH,
RESPONDENT.

STATEMENT OF MAILING
AFFIDAVIT OF SERVICE

REPLY BRIEF

JANET NAPOLITANO
ATTORNEY GENERAL

KENT E. CATTANI
CHIEF COUNSEL
CAPITAL LITIGATION SECTION
(COUNSEL OF RECORD)
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007-2997
TELEPHONE: (602) 542-4686

ATTORNEYS FOR PETITIONERS

AFFIDAVIT

STATE OF ARIZONA }
County of Maricopa } ss.

KENT E. CATTANI, being first duly sworn upon oath, deposes and says:

That he is a member in good standing of the United States Supreme Court Bar.

That on October 9, 2001, he caused to be deposited for delivery by Federal Express, 40 copies of the REPLY BRIEF in TERRY L. STEWART, ET AL., vs. ROBERT DOUGLAS SMITH, No. 01–339, addressed to:

THE HONORABLE WILLIAM K. SUTER
United States Supreme Court
Office of the Clerk
1 First Street, N.E.
Washington, D.C. 20543

and caused to be deposited in a United States Post Office, first-class postage prepaid, three (3) additional copies addressed to:

JOHN F. PALUMBO
Pima County Public Defender
32 North Stone, 4th Floor
Tucson, Arizona 85701
520–740–5276
Attorney for RESPONDENT

S. JONATHAN YOUNG
177 North Church Avenue, Suite 815
Tucson, Arizona 85701
520–628–7777
Attorney for RESPONDENT

That to his knowledge the mailing of the REPLY BRIEF took place on October 9, 2001. All parties required to be served have been served.

Kent E. Cattani
KENT E. CATTANI

SUBSCRIBED AND SWORN to before me this 9th day of October, 2001.

Janet E. Dyer
NOTARY PUBLIC

My Commission Expires:
Dec. 10, 2001

OFFICIAL SEAL
JANET E. DYER
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires Dec. 10, 2001

NO. 01-339

In the

Supreme Court of the United States

♦

TERRY L. STEWART, DIRECTOR,
ARIZONA DEPARTMENT OF CORRECTIONS,

Petitioner,

v.

ROBERT DOUGLAS SMITH,

Respondent.

PROOF OF SERVICE

I, S. Jonathan Young, do swear or declare that on this date, September 26, 2001, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

Kent E. Cattani
Assistant Attorney General
1275 West Washington
Phoenix, AZ 85007-2997
(602) 542-4686
Attorney for Petitioner Terry L. Stewart

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 26, 2001

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

S. Jonathan Young

01-339

IN THE

SUPREME COURT OF THE UNITED STATES

TERRY L. STEWART, Director,
Arizona Dept. of Corrections, ***Petitioner***,

vs.

ROBERT DOUGLAS SMITH, ***Respondent***.

CERTIFICATE OF SERVICE

I, Kent S. Scheidegger, a member of the Bar of this Court, hereby certify that on this 26th day of September, 2001, three copies of the Motion for Leave to File and Brief *Amicus Curiae* of the Criminal Justice Legal Foundation in Support of the Petition for Writ of Certiorari in the above-entitled case were mailed first-class postage prepaid to:

Mr. Kent E. Cattani
Chief Counsel
Capital Litigation Section
1275 West Washington
Phoenix, AZ 85007-2997
(602) 542-4686
Counsel for Petitioner

Mr. S. Jonathan Young
177 North Church Avenue, Suite 815
Tucson, AZ 85701
(520) 628-7777
Counsel for Respondent

I further certify that all parties required to be served have been served.

KENT S. SCHEIDEGGER
2131 L Street
Sacramento, California 95816
(916) 446-0345
Attorney for Amicus Curiae
Criminal Justice Legal Foundation

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